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OFFICIAL

To:

NAME:	FACSIMILE:	TELEPHONE:
Examiner G. Yu U.S. Patent and Trademark Office	703-872-9306	703-308-3951

FROM: Mika Mayer

DATE: April 22, 2004

Number of pages with cover page: 17	
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Preparer of this slip has confirmed that facsimile number given is correct: 7230/PME2**CAUTION - CONFIDENTIAL**

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Comments:**OFFICIAL FILING**

Examiner G. Yu
Art Unit: 1617
Re: U.S. Patent Application No. 09/557,187
Title: SALICYLIC ACID ACNE SPRAY FORMULATIONS AND METHODS FOR TREATING ACNE WITH SAME
Filing Date: April 21, 2000
Inventors: Amy E. BAKER
Attorney Docket No. 425802000200

Papers enclosed herewith:

1. Transmittal - 1 page
2. Fee Transmittal + duplicate copy for fee processing - 2 pages
3. Amendment - 12 pages
4. Extension of Time, 1 month - 1 page

PLEASE ACKNOWLEDGE RECEIPT VIA RETURN FACSIMILE

PTO/SB/21 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

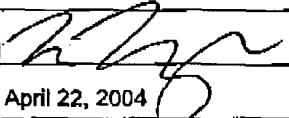
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/557,187
		Filing Date	April 21, 2000
		First Named Inventor	Amy E. BAKER
		Art Unit	1617
		Examiner Name	G. Yu
Total Number of Pages in This Submission	16	Attorney Docket Number	425802000200

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form + duplicate copy for fee processing - 2 pages <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply - 12 pages <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request - 1 page <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax cover sheet
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP (Customer No. 25226) Mika Mayer - 47,777
Signature	
Date	April 22, 2004

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: April 22, 2004

Signature:  (Patricia M. Ellison)

pa-880233

PTO/SB/17 (10-03)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) **55.00****Complete if Known**

Application Number	09/557,187
Filing Date	April 21, 2000
First Named Inventor	Amy E. BAKER
Examiner Name	G. Yu
Art Unit	1617
Attorney Docket No.	425802000200

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account

Deposit Account Number

03-1952

Deposit Account Name

Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayment(s)☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) **0.00****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
18	-20** = 0	9.00	0.00
Independent Claims	2	-3** = 0	43.00 = 0.00
Multiple Dependent		145.00	0.00

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) **0.00**

**or number previously paid, if greater; For Reissue, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	55.00
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
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1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(g)	
1806	190	1806	190	Submission of Information Disclosure Stmt.	
9021	40	9021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(e))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **55.00****SUBMITTED BY**Name (Print/Type) **Mika Mayer**Registration No.
(Attorney/Agent)

47,777

(Complete if applicable)Telephone **(650) 813-4298**

Signature

Date

April 22, 2004

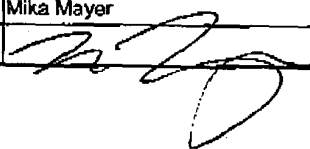
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DUPLICATE COPY FOR FEE PROCESSING

PTO/SB/17 (10-03)

Approved for use through 7/31/2006. OMB 0051-0032
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<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.		Attorney Docket No.	425802000200																																																																																																																																																																																																																																										
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Name (Print/Type) Mika Mayer		Registration No. (Attorney/Agent) 47,777																																																																																																																																																																																																																																											
Signature 		Telephone (650) 813-4298																																																																																																																																																																																																																																											
		Date April 22, 2004																																																																																																																																																																																																																																											

PA-880236

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Dated: April 22, 2004

Signature: *Patricia M. Ellison* (Patricia M. Ellison)Docket No.: 425802000200
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Amy E. BAKER

Application No.: 09/557,187

Art Unit: 1617

Filed: April 21, 2000

Examiner: G. Yu

For: SALICYLIC ACID ACNE SPRAY
FORMULATIONS AND METHODS FOR
TREATING ACNE WITH SAME

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APR 22 2004

OFFICIAL**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

This is in response to the non-final Office Action dated December 22, 2003 (Paper No. 20), for which a response was due on March 22, 2004. Filed herewith is a Petition and fee for a one (1) month extension of time, thereby extending the deadline for response up to and including April 22, 2004. Accordingly, this response is timely filed. Amendments to the claims are reflected in the listing of claims, which begins on page 2. The remarks begin on page 5. Reconsideration and allowance of the pending claims, in light of the amendments and remarks presented herein is respectfully requested.

pa-877885